

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

DIANE COWAN, et al.

PLAINTIFFS

and

UNITED STATES OF AMERICA

PLAINTIFF-INTERVENOR

v.

Civil Action No. 2:65-CV-00031-DMB

**BOLIVAR COUNTY BOARD OF
EDUCATION, et al.**

DEFENDANTS

**Motion of the Cleveland School District to Modify
Desegregation Plan and to Expedite Consideration of this Motion**

Defendant Cleveland School District (the “District”) moves the Court to enter an order modifying the desegregation plan adopted by the Court in its May 13, 2016 Order and for expedited consideration of this Motion.

I. The District’s existing plan

The District operates under an open enrollment plan approved by the Court in January, 2013. Under this plan, elementary students in Kindergarten through fifth grades are assigned to neighborhood schools, students in sixth through eighth grades may choose to attend either D.M. Smith Middle School or Margaret Green Junior High, and students in ninth through twelfth grades may choose to attend either East Side High School or Cleveland High School. The District also operates two elementary magnet schools, Hayes Cooper and Bell Academy, serving pre-Kindergarten through sixth grades.¹

¹ This proposed modification allows sixth-grade students attending Hayes Cooper and Bell Academy to remain at those two schools.

II. The Court's Order

On May 13, 2016, this Court entered its order requiring the District to consolidate its sixth through eighth-grade students at East Side High School (except sixth-grade students at Bell and Hayes Cooper) and its ninth through twelfth-grade students at Cleveland High School. [215]. The District has appealed this order.² [219].

III. The District's proposed modification to the desegregation plan

Under the proposed modification, there will be no changes to elementary schools. All sixth-grade students will be assigned to the Walter Robinson Achievement Center (WRAC) (except for sixth-grade students at Hayes Cooper and Bell Academy), and all seventh through twelfth-grade students will attend Margaret Green/Cleveland High School. The District will construct a new ninth-grade wing at Margaret Green. D.M. Smith Middle School and East Side High School will be closed.

The primary aim of the District's proposed consolidation plan is to minimize the likelihood of white student departure—a necessity if the District is to continue its successful quest of improving racial diversity. As set out more fully in the District's Memorandum, because the District's plan is constitutional, the Court may consider the impact of increasing numbers of white students who are electing and will elect to leave the District. And because the District's plan is constitutional, it is entitled to deference in effecting the plan.

The District is contemporaneously submitting its Memorandum in support of this motion, containing more information on facilities and construction activities necessary to implement the District's proposed plan and the anticipated timeframe.

² The District plans to dismiss its appeal if this Court accepts its proposed consolidation plan.

IV. The District requests expedited hearing of the motion.

Because implementation of its proposed consolidation plan will take a full school-year, the District requests expedited consideration of its motion in order to move forward efficiently and effectively in its continued desegregation efforts.

The Cleveland School District requests the Court approve its proposed modification to the May 13, 2016 Order, and grant any other relief the Court deems necessary.

Respectfully submitted, this 15th day of August, 2016.

CLEVELAND SCHOOL DISTRICT

/s/ John S. Hooks _____

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CERTIFICATE OF SERVICE

I, John Hooks, attorney for Defendant Cleveland School District, do hereby certify that I have this date served by electronically filing via the ECF system to all registered counsel of record.

Dated: August 15, 2016.

/s/ John S. Hooks _____